

Notice of Allowability

Application No.

09/494,643

Examiner

Richard Woo

Applicant(s)

HALBOUT ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 04-12-05 and the telephone interview (06-16-05).
2. ☒ The allowed claim(s) is/are 2-6, 18 and 21.
3. ☒ The drawings filed on 20 September 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1) An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Dougherty (Reg. No. 30,374) on June 16, 2005.

The application has been amended as follows:

In the Claims:

In Claim 18, lines 21 and 23, respectively, --, by said computer processor,-- has been inserted after "determining".

Claim 20 has been canceled without prejudice.

The above changes to the Claims have been made to place the application in condition for allowance.

REASONS FOR ALLOWANCE

2) The following is an examiner's statement of reasons for allowance:

The instant invention is deemed to be directed to an unobvious improvement over the invention patented in US Patent No. Al-Hilali et al. (US 6,086,618).

As for Claim 18, Al-Hilali et al. discloses a method for valuation of sever-based computer services for each of a plurality of computer server systems comprising the steps of:

assigning a capacity value and a usage category for each computer server system (see Tables 3-5 and the descriptions thereof; col. 8, lines 48-58);

mapping the capacity value and usage category into a matrix and automatically assigning costs for the server-based computer services based on location within the matrix; and

ascertaining and mapping at least one service support level into the matrix and assigning costs for the support level.

However, Al-Hilali et al. does not expressly disclose the method further including the steps, for a specific request for service, of:

determining, by the computer processor, the required usage type, required capacity, and required support level for satisfying the request; and

automatically determining, by the computer processor, charges for required server-based computer services by aggregating the assigned costs for services from the matrix based on the required usage type, required capacity, and required support level.

As for Claim 21, Al-Hilali et al. discloses a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to

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perform method steps for a computer processor to provide automatic valuation of server-based computer services for each of a plurality of computer server systems, the method steps comprising:

- assigning a capacity value and a usage category for each computer server system (see Tables 3-5 and the descriptions thereof; col. 8, lines 48-58);

- mapping the capacity value and usage category into a matrix and automatically assigning costs for the server-based computer services based on location within the matrix; and

- ascertaining and mapping at least one service support level into the matrix and assigning costs for the support level.

However, Al-Hilali et al. does not expressly disclose the device further including the method steps, for a specific request for service, of:

- determining, by the computer processor, the required usage type, required capacity, and required support level for satisfying the request; and

- automatically determining, by the computer processor, charges for required server-based computer services by aggregating the assigned costs for services from the matrix based on the required usage type, required capacity, and required support level.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

"What's the right size?" is cited to show how to find the right server platform, and how to determine the price of rightsizing for satisfying the specific request from the industry.

"Unlocking value in the IT function" is cited to show how to identify and manage IT costs on hardware, software, telecommunications, information feeds and so forth.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Woo whose telephone number is 571-272-6813. The examiner can normally be reached on Monday-Friday from 8:30 AM -5:00 PM.

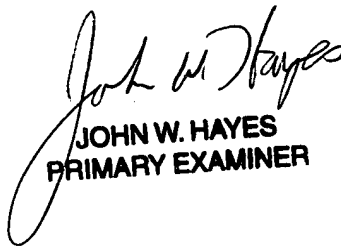
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Richard Woo
Patent Examiner
Art Unit 3639
June 24, 2005



JOHN W. HAYES
PRIMARY EXAMINER